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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX APPEAL NO.1967 OF 2010

The Commissioner of Income Tax-3, Mumbai ..Appellant.

V/s.

M/s. Birla Yamaha Ltd. ..Respondent.

None for the appellant.

Ms. A. Vissanji with S.J. Mehta for the respondent.

CORAM : J.P. DEVADHAR AND
K.K. TATED, JJ.

DATED : 21ST OCTOBER, 2011

**P.C. :-**

1. None present for the appellant. Heard learned counsel for the respondent. The question of law raised in this appeal reads thus :-

> " Whether in the facts and circumstances of the case and in law, the ITAT was right in upholding CIT(A)'s order deleting disallowance of depreciation of Rs.5,65,341/- on enhanced cost of plant & machinery on account of foreign exchange rate fluctuation made by AO ? "

2. The aforesaid question stands covered against the revenue by the decision of this Court in the case of *Padamjee Pulp and Paper*

*Mills Ltd. V/s. CIT* reported in *210 ITR 97* and by the Apex Court in the case of *CIT V/s. Woodward Governor India P. Ltd.* reported in *(2009) 312 I.T.R. 254 (S.C.)*. Accordingly, the appeal is dismissed with no order as to costs.

(K.K. TATED, J.) (J.P. DEVADHAR, J.)